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REMARKS

Claims 1-62 and 64-121 are now pending in the application. Claim 63 has been canceled. Claims 25, 34, 52, 59, 80, 89 and 113 have been amended herein. Claims 1, 34, 59 and 89 are independent claims.

Section 103(a) rejection

Claims 1-121 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,421,724 (Nickerson et al.) in view of US Patent 6,546,388 (Edlund et al.).

The rejection is respectfully traversed and reconsideration is requested.

Nickerson

Nickerson is directed to a website response measurement tool to collect user reaction to a particular website. A user reaction feedback mechanism obtains a user's reaction to the content, design and usability of the webpage he is currently viewing and provides a report indicating such feedback to the website owner.

Independent Claim 1

Independent Claim 1, as filed, is directed to a method for providing an evaluation of a plurality of information sites to a user over a packet-switched network when the user submits a search request through a user interface device in communication with the packet-switched network. The method includes the steps of (1) acquiring a search result, responsive to the search request, which includes network addresses for the plurality of information sites, (2) selecting a plurality of individuals who were previously in communication with at least one of the information sites over the packet-switched network and who meet at least one predefined criterion selected by the user, (3) retrieving from a database a plurality of evaluations of at least one of the information sites, the evaluations being provided by the plurality of individuals, and (4) forwarding a rating based on said evaluations to the user over the packet-switched network.

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With respect to Claim 1, the Office Action acknowledges that "Nickerson does not disclose acquiring a search result, responsive to the search request, which includes network addresses for the plurality of information sites".

The Office Action then relies upon Edlund as disclosing a "search engine returns search results based on the original query...sorted ascending or descending based on content relevance".

The Action takes the position that it would have "been obvious to a person having ordinary skill in the art...to include acquiring a search result, responsive to a search request, which includes network addresses for the plurality of information sites as claimed in the system of Nickerson to provide the search engine for search result with network address (URL)...[b]ecause the search engine in the Internet provides information search result to user with network address (URL) that provides the direct link to the information search result site".

First, Applicants of course agree with the Examiner that there is absolutely no teaching or suggestion in Nickerson of acquiring a search result, responsive to a search request, which includes network addresses for the plurality of information sites. In addition, there is absolutely no teaching or suggestion of selecting a plurality of individuals who were previously in communication with at least one of the information sites acquired in response to a search request, and who meet at least one predefined criterion selected by the user. Finally, there is no teaching or suggestion in Nickerson of retrieving the evaluations provided by the selected individuals (again, the individuals that were previously in communication with at least one of the plurality of sites that were acquired in response to a user search request).

In addition, Applicants submit that it would *not* be "obvious" on a person of ordinary skill in the art, in light of Nickerson and Edlund, to include the step of 'acquiring a search result, based on a search request in the system of Nickerson, when Nickerson's system is directed only to collecting user reactions to a particular website, and therefore a person skilled in the art would have absolutely no motivation to incorporate "searching" into such a system.

Similarly, it would not be obvious to a person of ordinary skill in the art to incorporate into the system of Nickerson a step of evaluating a plurality of sites (obtained as a search result) based on information obtained from individuals that had previously visited that site.

For all of the foregoing reasons, Applicants respectfully submit that independent Claim 1 is patentable over any combination of teachings of Nickerson and Edlund.

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Independent Claim 34

Independent Claim 34 is directed to a method for providing an evaluation of an information site to a user over a packet-switched network when the user enters a network address of the information site into a user interface device in communication with the packet-switched network. The method includes (1) receiving over the packet-switched network a request from the user to receive an evaluation of the information site, (2) retrieving from a database a plurality of evaluations of the information site provided by a plurality of individuals who each meet at least one predefined criterion selected by the user and who were previously in communication with the information site over the packet-switched network, and (3) forwarding a rating based on the evaluations to the user over the packet-switched network. Claim 34 has been amended herein to further recite that *the predefined criterion causes the plurality of evaluations retrieved from the database to be less than a total number of evaluations provided by individuals previously in communication with the information site.*

Nickerson and Edlund, separately or in any combination, fail to teach or suggest a method as recited in amended independent Claim 34 in which a predefined criterion, selected by a user, allows for retrieval from a database *less than* a total number of evaluations on a site provided by individuals that had previously communicated with that site, and forwarding a rating based on the retrieved evaluations to the user.

For at least the foregoing reason, Applicants submit that independent Claim 34, as amended herein, is patentable over any combination of teachings of Nickerson and Edlund.

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Independent Claim 59

Independent Claim 59 has also been amended herein to include the limitations of (now canceled) dependent Claim 63, and is directed to an online system for providing an evaluation of a plurality of information sites to a user over a packet-switched network when the user submits a search request through a user interface device in communication with the packet-switched network. The apparatus includes (1) a database that includes at least one evaluation of at least one of the information sites and a network address thereof, the evaluation being provided by at least one individual who was previously in communication with the at least one of the information sites over the packet-switched network, (2) a processor for developing a rating based on the at least one evaluation, and (3) a server in communication with the packet-switched network for receiving a search result, responsive to the search request, which includes network addresses for the plurality of information sites and for forwarding the rating to the user over the packet-switched network. Claim 59 now further recites that *the rating includes a ranking of the plurality of information sites.*

Nickerson, completely fails to teach or suggest "ranking" of a "*plurality of information sites*", and, one skilled in the art would not be motivated to implement such a feature into Nickerson's system in light of Edlund or any other prior art. Again, Nickerson is simply directed to a user reaction feedback mechanism that obtains a user's reaction to the content, design and usability of the webpage he is currently viewing and provides a report indicating such feedback to the website owner.

For at least the foregoing reason, Applicants submit that independent Claim 59, as amended herein, is patentable over any combination of teachings of Nickerson and Edlund.

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Independent Claim 89

Independent Claim 89 is directed to a method for providing an evaluation of a plurality of information sites to a user...when the user submits a search request. The method includes the steps of (1) acquiring a search result, responsive to the search request, which includes network addresses for the plurality of information sites, (2) selecting a plurality of individuals who were previously in communication with at least one of the information sites over the packet-switched network and who meet at least one predefined criterion selected by the user, (3) retrieving from a database a plurality of evaluations of at least one of the information sites, the evaluations being provided by the plurality of individuals who were previously in communication with the at least one of the information sites over the packet-switched network, (4) forwarding a rating based on the evaluations to the user over the packet-switched network, (5) selecting an advertisement based at least in part on information received from the user, wherein the *advertisement selected does not contain information included in the plurality of retrieved evaluations*, and (6) forwarding the advertisement to the user over the packet-switched network.

Applicants respectfully submit that independent Claim 89, as amended herein, is patentable over the teachings of Nickerson and Edlund. In particular, both Nickerson and Edlund fail to teach or suggest a method for providing an evaluation of a plurality of information sites to a user in response to a search request that includes selecting and forwarding an advertisement based at least in part on information received from the user, wherein the *advertisement selected does not contain information included in the plurality of retrieved evaluations*.

The Office Action in its rejection of Claim 89 indicates that Nickerson discloses "selecting advertisements (report, fig. 6)". However, Applicants respectfully note that the "preferred scan report" in fig. 6 of Nickerson is in fact "generated on the fly from the databases 25, 27 and 44 by the data reporting system 28 on the data collection and reporting server 20" (col. 5, lines 62-65). The reports generated in Nickerson *contain information* obtained as user's responses to questions presented by the user diagnostic feedback mechanism 46 and stored in the database 25.

Therefore, Nickerson does not teach or suggest a method, for providing an evaluation of a plurality of sites in response to a search, that includes selecting and forwarding an *advertisement*, defined in the claim as amended, as "*not containing information included in the retrieved evaluations*".

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Dependent Claims 2-33, 35-58, 60-62, 64-88 and 90-121 are believed to be clearly patentable for all of the reasons indicated above with respect to Claims 1, 34, 59 and 89, one or another from which they depend, and even further distinguish over the cited references by reciting additional limitations.

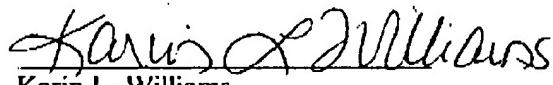
For example, dependent Claims 25, 52, 80 and 113 have all been amended herein to recite that the step of forwarding an advertisement is *a separate step from that of forwarding a rating*. Nickerson and Edlund fail to teach or suggest a method for providing an evaluation of a plurality of information sites that includes this element.

Applicants also submit that, with regard to dependent Claims 16, 43, 71 and 104, reciting that the window further includes a pull-down menu that includes the series of predefined criteria for selecting a subset of the participants, Nickerson and Edlund similarly fail to provide the requisite teaching or suggestion. Rather, Nickerson does *not* teach "selecting a subset of participants" ...based on demographics, but merely describes *collecting* demographic and other information "to tailor their page revisions to appeal to a certain segment of users" (col. 5, lines 23-25).

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It is respectfully submitted that in regard to the above amendment and remarks that the pending application is patentable over the art of record and reconsideration is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is kindly made that the Examiner telephone Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues may be resolved.

Respectfully submitted,


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I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 746-7239 on February 23, 2004.

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